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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/727,900

12/05/2003

Scong Jin Kim

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EXAMINER

HEINRICH, SAMUEL M

ART UNIT

PAPER NUMBER

1725

MAIL DATE

DELIVERY MODE

09/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/727,900	Applicant(s) KIM ET AL.	
	Examiner Samuel M. Heinrich	Art Unit 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 8, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7, last paragraph, "the organic material, the oxide film or the metal" has no antecedent basis. Claim 8 depends from 7. Claim 13, line 2, "the insulating film" has no antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US20030040173A1 to Fonash et al in view of US20030180627 to Lavallee et al.

Fonash et al teach a method for manufacturing a device which comprises forming a lower electrode (14) on a substrate; forming a sacrificial layer pattern on the substrate including the lower electrode (16); forming an upper electrode (16); forming an upper electrode on the substrate including the sacrificial layer pattern (18); removing the sacrificial layer so that a nano gap (20) is formed between the lower electrode and the upper electrode; and adsorbing conductive organic molecules (21) between the upper electrode and the lower electrode in the nano gap. (See Figure 1; sections 0012, 0015, 0035 and 0048). Fonash et al describe well known scribing, machining, embossing, ablation, and lithography. Fonash et al do not describe forming a polymer pattern with the particular line width of 50 nm. Lavallee et al describe [0049] use of an electron beam for producing lines "as small as 50 nm". This size limitation would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because the size is suitable for the manufacture of a molecular scale device.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US20030040173A1 to Fonash et al in view of US20030180627 to Lavallee et al as applied to claim 7 above, and further in view of USPN 5,497,000 to Tao et al. Tao et al describe (column 2, line 60 through column 3, line 18) molecules to be deposited and are in solution are adsorbed onto the surface of the conducting substrate. The use of

Art Unit: 1725

solution would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art in order to suitably deposit molecules on the substrate.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US20030040173A1 to Fonash et al in view of US20030180627 to Lavallee et al in view of USPN 5,497,000 to Tao et al as applied to claim 9 above, and further in view of US20020134426A1 to Chiba et al. Chiba et al describe [0048] material adsorption with use of a heated solution and the use of a heated solution in Tao et al would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art to suitably deposit molecules on the substrate.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US20030040173A1 to Fonash et al in view of US20030180627 to Lavallee et al as applied to claim 7 above, and further in view of USPN 6,770,190 to Milanovski et al. Milanovski et al describe (column 8, lines 25-50) well known monitoring of the electric potential and the use thereof in Fonash et al would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because it provides absorption control.

Response to Arguments


Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chong et al describe "sacrificial layer was etched". Wilding et al describe "microengineered devices having structural elements with minimal dimensions ranging from tens of microns ... to nanometers". Ohno et al describe "adsorb the organic molecules ... dissolved into ... a mixed solution". Yagi et al describe "sacrificial layer ... can be regulated to nanometer precision".

Any inquiry concerning this communication from the examiner should be directed to Samuel M. Heinrich whose telephone number is 571-272-1175. The examiner's supervisor, J. Johnson can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Samuel M Heinrich
Primary Examiner
Art Unit 1725

SMH